REMARKS

This response is a full and complete response to the Office action mailed June 15, 2007. In the present Office action, the Examiner has noted that claims 22-44 are pending and stand rejected, and that original claims 1-21 have been cancelled by the assignee.

The assignee has amended claims 22-31 and 38 and added claims 45-47. Support for these claim amendments may be found in claim 22. Amendments to claims 22-29 are limited to the preamble. No new matter has been added.

In view of both the amendments presented above and the following remarks, it is submitted that the claims pending in the application are novel and nonobvious. It is believed that this application is in condition for allowance. By this response, reconsideration of the present application is respectfully requested.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 22-44 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Motoyama, U.S. Patent No. 6,330,628 (hereinafter "Motoyama") in view of Otsuka et al., U.S. Patent No. 6,700,674 (hereinafter "Otsuka").

The Examiner is reminded that to successfully make a prima facie rejection under 35 USC § 103, the Examiner must show that Assignee's claimed subject matter would have been obvious to one of ordinary skill in the art pertinent to Assignee's claimed subject matter at the time it was made. See KSR International, Co. v. Teleflex, Inc., 550 U.S. ____(decided April 30, 2007). Some of the factors to consider in this analysis include the differences between the applied documents and Assignee's claimed subject matter, along with the level of skill associated with one of ordinary skill in the art pertinent to Assignee's claimed subject matter at the time it was made. See USPTO Memo entitled "Supreme Court decision on KSR Int'l. Co., v. Teleflex, Inc.," (May 3, 2007). One way in which an Examiner may establish a prima facie case of unpatentability under 35 USC § 103 would be to show that three basic criteria have been met. First, the Examiner should show that the applied documents, alone or in

combination, disclose or suggest every element of Assignee's claimed subject matter. Second, the Examiner should show that there is a reasonable expectation of success from the proposed combination. Finally, the Examiner should show that there was some suggestion or motivation, either in the applied documents themselves or in the knowledge generally available to one of ordinary skill in the art pertinent to the claimed subject matter at the relevant time, to modify the document(s) or to combine document teachings. The motivation or suggestion to make the proposed combination and the reasonable expectation of success should be found in the prior art, and should not be based on Assignee's disclosure. See In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); See MPEP § 2142; 2143 - § 2143.03 (regarding decisions pertinent to each of these criteria). It is respectfully asserted that the Examiner has not met these standards.

The Examiner rejects claim 22 under 35 U.S.C. § 103(a) by asserting that Motoyama teaches a facsimile system as set forth in this claim, except that Motoyama fails to teach a communication management program that is capable of automatically detecting the plurality of communication gateways and is further capable of determining a priority of each of the plurality of communication gateways (June 15, 2007 Office Action, page 3, lines 18-20). The Examiner then introduces Otsuka to teach automatically detecting the plurality of communication gateways and determining a priority of each of the plurality of communication gateways, pointing to Otsuka, column 12, lines 55-60.

But Otsuka also fails to disclose ***automatically detecting the plurality of communication gateways***, as set forth in claim 22. In the Office Action (page 4, line 2), the Examiner points to column 12, lines 55-60 of Otsuka to support the assertion that Otsuka discloses automatic detection of communication gateways and determining priority. However, at column 12, lines 55-60, Otsuka does not discuss automatic detection of communication gateways, but rather discloses establishing a priority of route of transmission between either the internet 31 or the public communications switched network 32. Again, there is no teaching of automatic detection of these, or any other, communication gateways, as set forth in claim 22.

Because neither Motoyama nor Otsuka disclose ***automatically detecting the plurality of communication gateways***, as set forth in claim 22, any combination of Motoyama and Otsuka would not yield all of the limitations of claim 22. Therefore, claim 22 is patently distinguishable over Motoyama and Otsuka.

Claims 30, 31, and 38 include similar limitations, and therefore claims 30, 31, and 38, and the claims that depend from them, are patently distinguishable over Motoyama and Otsuka. The Assignee respectfully requests that the rejection of claims 22-44 be withdrawn.

It is noted that claimed subject matter may be patentably distinguished from the applied documents for additional reasons; however, the foregoing is believed to be sufficient to overcome the Examiner's rejections discussed above.

Further, it is noted that the Assignee's failure to comment directly upon any of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions since the Examiner's other positions are believed to be moot in light of the foregoing.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Brian D. Wichner at (503) 439-6500 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby authorized to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 50-3703.

Respectfully submitted,

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